

1 **ROBERT J. FILTEAU, ESQ.**  
2 **Filteau & Sullivan, P.C.**  
3 **1634 Columbia St.**  
4 **Houston, TX 77008**  
5 **Tel. No.: (713) 236-1400**  
6 **Fax No.: (713) 236-1706**

**FILED**  
Clerk  
District Court

**JAN 13 2006**

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

7 **DAVID G. BANES, ESQ.**  
8 **O'Connor Berman Dotts & Banes**  
9 **Second Floor, Nauru Bldg.**  
10 **P. O. Box 501969**  
11 **Saipan, MP 96950**  
12 **Tel. No.: (670) 234-5684**  
13 **Fax No.: (670) 234-5683**

14 **Attorneys for Defendant Todd Keith Johnson**

15 **IN THE UNITED STATES DISTRICT COURT**  
16 **FOR THE NORTHERN MARIANA ISLANDS**

17 **ALAN STUART MARKOFF, D.D.S. dba** )  
18 **TOOTHWORKS and OPEN CHOICE,** )

**CIVIL ACTION. NO: 05-0030<sup>0035</sup>**

19 **Plaintiff,** )

**NOTICE OF MOTION TO DISMISS**  
**PLAINTIFF'S SECOND CAUSE OF**  
**ACTION**

20 **vs.** )

21 **TODD KEITH JOHNSON, D.D.S.,** )

**Date : Munson, Chief Judge**

**Time :**

22 **Defendant.** )

**Judge:**

23 **PLEASE TAKE NOTICE THAT ON** FEB 16 2006 **at** 9 a.m. **/p.m., or as**  
24 **soon thereafter as counsel may be heard at the District Court, Garapan, Saipan, Defendant will and**  
25 **hereby does move the Court to dismiss Plaintiff's Second Cause of Action in this matter.**

26 **Dated this 16th day of January, 2006.**

**Respectfully submitted,**

**O'CONNOR BERMAN DOTTS & BANES**  
**Attorneys for Defendant Todd K. Johnson**

27 **By:** 

**DAVID G. BANES**